

REMARKS

Reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-11, 13, 14, 16-26, 28, 29, 31 and 35-43 are now pending in the application, with Claims 1, 10, 11, 14, 17, 26, 29 and 35-37 being independent. Claims 12, 15, 27 and 30 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 11, 14, 26, 29, 36 and 37 have been amended herein.

Applicant's undersigned representative hereby acknowledges the telephonic interview with the Examiner on February 14, 2006. Applicant's representative contacted the Examiner and requested that the Office Action dated January 30, 2006, be withdrawn due to certain deficiencies. The Examiner agreed and issued a substitute Office Action dated February 28, 2006, to which this Amendment responds.

Claims 1-31 and 35-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,029,182 (Nehab et al.). This rejection is respectfully traversed.

As discussed previously, Nehab et al. is directed to a website retrieval system and includes a web printer that obtains a personal-news-profile and accesses the website in accordance with data provided in the personal-news-profile and then acquires data from the website. The web printer formats the acquired data in accordance with a template indicated by the personal-news-profile and prints the formatted data (newspaper).

At page 4, the Office Action suggests that in Nehab et al., “because the personal-news-profile 19 contains format information in a template, the ‘image forming apparatus,’ comprising the host machine and the printer, sends acquisition information for acquiring data and layout information necessary for assigning an image to an external apparatus for acquiring data for output from the external apparatus.” Applicant respectfully disagrees. If the image forming apparatus in Nehab et al. comprises the host machine and the printer, the image forming apparatus does not send acquisition information and layout information to an external apparatus. Rather, the personal-news-profile 19 is stored in disk 5 of the host machine and used by web printer 17. Namely, the personal-news-profile 19 is retained in the host machine, and is not sent externally.

Therefore, Nehab et al. fails to disclose or suggest at least sending acquisition information for acquiring data and layout information necessary for assigning an image to an external apparatus, as is recited in independent Claims 1, 10, 17 and 35, or acquiring data for output from the external apparatus, as is recited in independent Claims 1, 17 and 35.

Thus, Nehab et al. fails to disclose or suggest important features of the present invention recited in independent Claims 1, 10, 17 and 35.

Independent Claims 11, 26 and 36 each recite, inter alia, changing received layout information in accordance with a function or status of the image forming apparatus. Since the received layout information can be changed in accordance with the function or status of the image forming apparatus, a user is not required to check such function or status. At page 5 of the Office Action, it is suggested that the “layout editor 39 functions as a ‘changing means for changing the layout information received by the reception means’ from the user.” Nehab et al., however, fails to teach that the layout editor 39 changes the layout information in accordance with a function or status of the image forming apparatus, as is recited in independent Claims 11, 26 and 36. Rather, a user will be required to check the function or status of the image forming apparatus in order to change the layout information.

Accordingly, Nehab et al. also fails to disclose or suggest important features of the present invention recited in independent Claims 11, 26 and 36.

Claims 14, 29 and 37 now recite, inter alia, determining layout information required for assigning an image based on data to the recording medium in accordance with a function or status of the image forming apparatus, if the received print instruction does not include any layout information for the data. Thus, the image forming apparatus can determine layout information in accordance with the function or status of the image forming apparatus, even if the received print instruction does not include any layout

information. At page 6, the Office Action suggests that the “default formatting instruction is utilized when a user template is not defined.” Since the default formatting instruction or the personal-news-profile is provided by the host machine, the instruction or profile may not correspond to the function or status of the printer connected to the host machine.

Accordingly, Nehab et al. fails to disclose or suggest at least determining layout information required for assigning an image based on data to the recording medium in accordance with a function or status of the image forming apparatus, if the received print instruction does not include any layout information for the data, as is recited in independent Claims 14, 29 and 37.

Thus, Nehab et al. also fails to disclose or suggest important features of the present invention recited in independent Claims 14, 29 and 37.

Accordingly, the independent claims are patentable over the citations of record. Reconsideration and withdrawal of the § 103 rejection are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1, 10, 11, 14, 17, 26, 29 and 35-37.

The dependent claims are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims.

Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection is not believed to raise new issues because the features of cancelled Claims 12, 15, 27 and 30 have been incorporated in the

independent claims. In addition, this Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Williamson', written over a horizontal line.

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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